

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JAN 06 2006

Michael N. Milby, Clerk of Court

KATHRYN KELLY STEVENS

Plaintiff,

v.

NEW BRIDGE PARTNERS, LLC, et al.

Defendants.

CIVIL ACTION NO. G-05-566

**ORDER TRANSFERRING CASE TO THE DISTRICT OF ALASKA AND DISMISSING
DEFENDANT VICTORY CAPITAL MANAGEMENT, INC.**

On January 4, 2006, this case came before the Court for a routine scheduling conference. Though defense counsel traveled from around the country to appear on behalf of the several Defendants, Plaintiff's counsel was not present. Pursuant to the oral representations of counsel present at the conference, along with the motions and responses previously submitted by counsel for both sides, the Court determined that this case should have been brought in the State of Alaska. As outlined in Defendant's Motion to Transfer, the contract at issue in this case contains a forum selection clause naming Alaska as the proper forum for any action arising out of the contract. Plaintiff's arguments to the contrary are simply not convincing. The only Party appearing in the case and not subject to the forum selection clause consented to a transfer to Alaska.

Additionally, the Court was convinced that Victory Capital Management, Inc. was incorrectly named as a Party to this lawsuit. Accordingly, Defendant Victory Capital Management, Inc. is hereby **DISMISSED WITHOUT PREJUDICE**, and this case is **TRANSFERRED** to the United States District Court for the District of Alaska. Any Motions not previously ruled on by this Court

are left to the discretion of the transferee Court. Each Party is to bear its own taxable costs, attorneys' fees, and expenses incurred herein to date.

IT IS SO ORDERED.

DONE this 4 day of January 2006, at Galveston, Texas.



SAMUEL B. KENT
UNITED STATES DISTRICT JUDGE